

Remarks

Claims 16, 21-22, 37-38, 40, and 42 are amended. No new subject matter is added. Claims remain pending in the application. Reconsideration and allowance of the pending claims is requested in light of the following remarks.

Claim Objections

Claims 21-22, 37-38, 40, and 42 are amended to remove the objections that were identified in the FOA. Additionally, claim 16 is amended to correct a punctuation error identified by the applicant. Entry of these amendments is requested as they place the application in better condition for appeal.

Claim Rejections – 35 USC § 102

Claims 1-8, 10, 13-24, 26-29, 31-36, 39 and 41 are rejected under 35 USC 102(e) as being anticipated by U.S. Pub. No. 2004/0162094 to Riikonen (“Riikonen”). The applicant respectfully disagrees. In order to anticipate these claims, Riikonen must show the identical invention in as complete detail as is contained in the claim. MPEP 2131.

Independent claim 1 recites a processor to “send a call request message associated with a call to the called endpoint, the call request message including a delayed call establishment capability advertisement.” The FOA indicates at page 3 that the SynchronizeLoading header (para. 0024) included in Riikonen’s SIP Invite Message F1 (FIG. 2) “*inherently* serves as an advertisement to the callee terminal ... that the caller terminal supports a delayed call establishment” and further cites paragraphs 0024 and 0027 as justification (emphasis added).

The applicant has explicitly defined what is meant by the term “delayed call establishment capability” at page 1, lines 4-9. Where the applicant provides an explicit definition for a claim term, that definition will control interpretation of the term as it is used in the claim. MPEP 2111.01(IV). A close reading of Riikonen’s paragraphs 0024-0027 will reveal that the “SynchronizeLoading” header included in Riikonen’s SIP Invite Message F1 has nothing to do with “delayed call establishment capability” as defined by the applicant.

For at least this reason, Riikonen fails to anticipate claim 1 because it does not show the identical invention in as complete detail as contained in the claim. Claims 2-4 and 39 are not anticipated by Riikonen at least because these claims inherently contain the features of claim 1.

Independent claim 5 recites a method of delaying call establishment, the method including transmitting a call request message associated with a call to a called endpoint identifying a delay point. The FOA at page 5 alleges that Riikonen's SIP Invite Message is the recited call request message, and further alleges that the SIP Invite Message identifies a delay point, which is alleged to be "the downloading and presentation of the multimedia content." Riikonen's paragraph 0024 explains the features of the SIP Invite Message, which includes a SynchronizeLoading header. The SynchronizeLoading header includes a URL and the number of the designated SIP response message (para. 0024). Contrary to the allegations of the FOA, neither a URL nor a number of a designated SIP response can be said to identify a delay point as required by claim 5.

For at least this reason, Riikonen fails to anticipate claim 5 because it does not show the identical invention in as complete detail as contained in the claim. Claims 6-8, 10, and 13-14 are not anticipated by Riikonen at least because these claims inherently contain the features of claim 5.

Independent claim 15 recites receiving a call request message associated with a call indicating a need for delayed call establishment and identifying a delay point. As explained above for claim 5, Riikonen's SynchronizeLoading header, which is included in the SIP invite message, does not identify a delay point.

Additionally, claim 15 recites that the delay point indicates at least one of feature discovery of the called endpoint, and call supplementary services. Even if the URL or the number of a designated SIP response that are included in Riikonen's SynchronizeLoading header could be said to identify a delay point, Riikonen fails to disclose that the identified delay point indicates at least one of feature discovery of the called endpoint, and call supplementary services.

For at least these reasons, Riikonen fails to anticipate claim 15 because it does not show the identical invention in as complete detail as contained in the claim. Claims 16-20 are not anticipated by Riikonen at least because these claims inherently contain the features of claim 15.

Independent claim 21 recites, similar to claim 1 a processor to receive a call request message associated with a call from the calling endpoint, the call request message including a delayed call establishment capability advertisement. Independent claim 21 recites, similar to claim 15, that the call request message includes a delay point. Independent claim 21 further recites, similar to claim 15, that the delay point indicates at least one of feature discovery of a

called endpoint, and call supplementary services. Therefore, for at least any one of the reasons identified above for claims 1 and 15, Riikonen fails to anticipate claim 21 because it does not show the identical invention in as complete detail as contained in the claim.

Furthermore, claim 21 recites a processor to respond with a notification of delayed call establishment availability. Riikonen fails to disclose responding to the SIP INVITE message with a notification of delayed call establishment availability. In fact, Riikonen teaches at para. 0025 that in response to the SIP INVITE message, the callee terminal immediately returns a 100 trying response message just as it would for any other SIP INVITE message. There is no indication that the 100 trying response contains any notification of delayed call establishment availability.

For this additional reason, Riikonen fails to anticipate claim 21 because it does not show the identical invention in as complete detail as contained in the claim. Claims 22-24 and 41 are not anticipated by Riikonen at least because these claims inherently contain the features of claim 21.

Independent claim 26 recites, similar to claim 5, transmitting a call request message associated with a call to a called endpoint identifying a delay point. Independent claim 26 further recites, similar to claim 15, that the delay point indicates at least one of feature discovery of the called endpoint, and call supplementary services.

Therefore, for at least any one of the reasons identified above for claims 1 and 15, Riikonen fails to anticipate claim 26 because it does not show the identical invention in as complete detail as contained in the claim. Claims 27-29 are not anticipated by Riikonen at least because these claims inherently contain the features of claim 26.

Independent claim 31 recites, similar to claim 15, receive a call request message associated with a call indicating a need for delayed call establishment and identifying a delay point. As explained above for claim 15, Riikonen's SynchronizeLoading header, which is included in the SIP invite message, does not identify a delay point. Claim 31 further recites, similar to claim 15, that the delay point indicates at least one of feature discovery of the called endpoint, and call supplementary services. As explained above for claim 15, Riikonen fails to disclose that the identified delay point indicates at least one of feature discovery of the called endpoint, and call supplementary services.

For at least the above reasons, Riikonen fails to anticipate claim 31 because it does not show the identical invention in as complete detail as contained in the claim. Claims 32-34 are not anticipated by Riikonen at least because these claims inherently contain the features of claim 31.

Independent claim 35 recites, similar to claim 1, a means for sending a call request message associated with a call to the called endpoint, the call request message including a delayed call establishment capability advertisement. Claim 35 further recites, similar to claim 15, that the delay point indicates at least one of feature discovery of the called endpoint, and call supplementary services. Therefore, for at least any one of the reasons identified above for claims 1 and 15, Riikonen fails to anticipate claim 35 because it does not show the identical invention in as complete detail as contained in the claim.

Independent claim 36 recites, similar to claim 21, a means for receiving a call request message associated with a call from the calling endpoint, the call request message including a delayed call establishment capability advertisement. Claim 36 further recites, similar to claim 21, that the call request message includes a delay point. Claim 36 further recites, similar to claim 15, that the delay point indicates at least one of feature discovery of the called endpoint, and call supplementary services. Claim 36 further recites, similar to claim 21, a means for responding with a notification of delayed call establishment availability.

Consequently, for at least any one of the reasons identified above for similar features found in claims 15 and 21, Riikonen fails to anticipate claim 36 because it does not show the identical invention in as complete detail as contained in the claim.

Claims 1, 21, 37 and 42 are rejected under 35 USC 102(e) as being anticipated by U.S. Pat. No. 7,149,299 to Triano ("Triano"). The applicant respectfully disagrees. In order to anticipate these claims, Triano must show the identical invention in as complete detail as is contained in the claim.

Claim 1 recites a network device including a processor to send a call request message associated with a call to the called endpoint, the call request message including a delayed call establishment capability advertisement. The FOA alleges at page 11 that the recited network device corresponds to the NGE/DLE. The NGE/DLE is illustrated in FIGS. 2 and 3 of Triano.

In the scenarios illustrated in FIGS. 2 and 3, an Originating User (OU) in the SCN domain initiates a call towards a Terminating User (TU) in the SIP domain (column 6, lines 59-62). Triano does not disclose that the OU's call request message includes a delayed call establishment capability advertisement. As a result of an unsuccessful call attempt, the SIP-UA/TU side explicitly indicates the ability to receive a CCBS call in the final response 486, which is illustrated in FIGS. 2 and 3 as being sent from the TU to the NGW/DLE (column 7, lines 1-6). After receipt of the final response from the TU, the NGW initiates the CCBS procedure by including the "CCBS possible" indicator in the REL message that is illustrated in FIGS. 2 and 3 as being sent towards the OU.

It is apparent from the above teachings of Triano that the alleged network device NGW/DLE does not include a processor to send a call request message to the called endpoint (according to Triano, the TU), where the call request message includes a delayed call establishment capability advertisement. Rather, according to Triano the "CCB possible" indicator is sent from the called endpoint (TU) to the network device (NGE/DLE), which then alerts the OU of the capability of the TU. The same analysis that was outlined above for claim 1 may be applied to claim 21 as well, which recites a processor to receive a call request message associated with a call from the calling endpoint, the call request message including a delayed call establishment capability advertisement.

For at least the above reason, Triano fails to anticipate claims 1 and 21 because it does not show the identical invention in as complete detail as contained in the claim. Claims 37 and 42 are not anticipated by Triano at least because these claims inherently contain the features of claims 1 or 21.

Claims 1 and 38 are rejected under 35 USC 102(e) as being anticipated by U.S. Pat. No. 7,170,888 to Yoo ("Yoo"). The applicant respectfully disagrees. In order to anticipate these claims, Yoo must show the identical invention in as complete detail as is contained in the claim.

Claim 1 recites a network device including a processor to send a call request message associated with a call to the called endpoint, the call request message including a delayed call establishment capability advertisement. The OA alleges at page 13 that the recited network device corresponds to the terminating media gateway controller illustrated in Yoo's FIG. 6, and further that the COT check included in the IAM message from the terminating media gateway

controller reads upon the delayed call establishment capability advertisement, because “a format or function of the delayed call establishment capability advertisement is not further defined.”

To the contrary, the applicant’s specification does further define the function of delayed call establishment capability at, e.g., page 1, lines 4-9. The virtual continuity (COT) check described by Yoo is not identically the same as a delayed call establishment capability advertisement as recited in claim 1. For at least this reason, Yoo fails to anticipate claim 38 because it does not show the identical invention in as complete detail as contained in the claim. Claim 38 is not anticipated by Yoo at least because the claim inherently contains the features of claim 1.

Claims 5, 8-9, 14, 26 and 30 are rejected under 35 USC 102(e) as being anticipated by U.S. Pat. No. 6,366,577 to Donovan (“Donovan”). The applicant respectfully disagrees. In order to anticipate these claims, Donovan must show the identical invention in as complete detail as is contained in the claim.

Claim 5 is directed at a method that includes transmitting a call request message associated with a call to a called endpoint identifying a delay point, the call request message including a delayed call establishment capability advertisement, the delay point indicating at least one of feature discovery of the called endpoint, and call supplementary services. Claim 26 recites a similar feature.

The FOA alleges at page 15 that “neither specific format nor function of the [delayed call establishment capability] advertisement is defined, therefore, the delayed call establishment capability advertisement reads on the QoS in the SIP INVITE message 6, FIG. 2.” To the contrary, the applicant’s specification does further define the function of delayed call establishment capability at, e.g., page 1, lines 4-9. The SIP INVITE message 6 (with QoS request) sent from the SIP1 150 is not identically the same as a delayed call establishment capability advertisement as recited in claims 5 and 26.

For at least this reason, Donovan fails to anticipate claims 5 and 26 because it does not show the identical invention in as complete detail as contained in the claim. Claims 8-9, 14, and 30 are not anticipated by Donovan at least because these claims inherently contain the features of claims 5 or 26.

Claim Rejections – 35 USC § 103

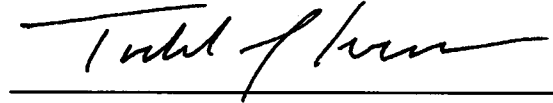
Claims 11 and 25 stand rejected under 35 USC 103(a) as being unpatentable over Riikonen. The applicant respectfully disagrees. Claims 11 and 25 are allowable at least because any claim that depends from a nonobvious independent claim is also nonobvious. MPEP 2143.03.

Conclusion

For the foregoing reasons, reconsideration and allowance of the pending claims is requested. Please telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

MARGER JOHNSON & McCOLLOM, P.C.

A handwritten signature in black ink, appearing to read "Todd J. Iverson", is written over a horizontal line.

Todd J. Iverson
Reg. No. 53,057

MARGER JOHNSON & McCOLLOM, P.C.
210 SW Morrison Street, Suite 400
Portland, OR 97204
503-222-3613
Customer No. 20575